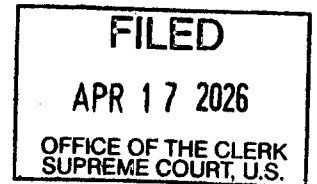


26-5470
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ANTHONY D. CARTER – PETITIONER

VS.

RICHARD S. LAWSON – RESPONDENT

ON PETITION FOR A WRIT OF *CERTIORARI* TO
FIFTH DISTRICT COURT OF APPEAL-STATE OF FLORIDA

AMENDED

PETITION FOR WRIT OF *CERTIORARI*

**ANTHONY D. CARTER, D.O.C. #756364
UNION CORRECTIONAL INSTITUTION
P.O. BOX 1000
RAIFORD, FLORIDA 32083**

RECIEVED
UNION CORRECTIONAL INSTITUTION

AUG 31 2026
BY: 
FOR MAILING

QUESTIONS PRESENTED

1: Was it the intention(s) of the founding fathers of the United States Constitution, that all provision(s) and amendment(s) set forth therein would be applicable, obtainable, and enforceable for all citizens of the United States?

2: Do all citizens of the United States enjoy the same degree of equal protection of the laws as guaranteed by the Fourteenth Amendment of the United States Constitution regardless of their individual liberty status?

3: Does this equal protection of the law(s) apply to personal property based on the principle(s) and provision(s) of Replevin as set forth by each individual State's essential requirement(s) of law?

4: In a Civil action between two (2) litigants who are both private citizens of the United States, do the constitutional provision(s) of the Fourteenth Amendment become less enforceable for either litigant if they are incarcerated?

5: Does an Order of Final Judgment in a Civil action of Replevin, that is a clear departure from the essential requirement(s) and principle(s) of the law, constitute a violation of Due Process and the Equal Protection Clause of Fourteenth Amendment of the U.S. Constitution as was / is contemplated by the founding fathers?

6: In a Civil cause of action proceeding, convened for specific purpose to determine

the value (amount) of unliquidated damages only; is a litigant's past or present character circumstance(s) admissible for consideration by the Trier of Fact presiding over said proceedings without invoking a violation of the Double Jeopardy Clause of the Fifth Amendment of the U.S. Constitution?

7: Is character evidence a relevant material issue in determining damage(s)?

8: Is it a Due Process violation of the Fifth, Seventh; and Fourteenth Amendments of the U.S. Constitution, for a Trier of Fact to override a previous Trier of Fact of equal judicial authority, who grants the litigant(s) in a Civil action, the right to have the material issue of evaluating and determining the value (amount) of unliquidated damages resolved by a Jury Trial, once said right has been invoked and not otherwise waived thereafter by either and / or all parties to the cause of action?

9. Is it a subornation of the departure from the essential requirement(s) and / or principle(s) of law for a District Court of Appeal to AFFIRM a Trial Court's erroneous ruling in a Final Judgment?

10. Once liability has been established by a Default, does Due Process to the determination of equitable damages become the stand-alone singular issue without more for the defaulted party who fails to plead and / or defend against the allegation(s) of the complaint?

LIST OF PARTIES

A list of all parties to the proceedings in the Court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Richard S. Lawson [Respondent / Appellee / Defendant]

105 Millers Trace Drive, St. Mary's, Georgia 31558

Manuel T. Moreno, P.A., Fla. Bar. No: 126345 [Attorney For Richard S. Lawson]

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(904) 698-3260 E-Mail: Manny@MannyMorenoLaw.com

Honorable Gilbert L. Feltel, Jr. [Circuit Court Judge – Civil Division]

Fourth Judicial Circuit Court, In And For Duval County, Florida

Duval County Unified Courthouse, Division: CV-H

501 West Adams Street, Jacksonville, Florida 32202

Honorable Eric J. Eisnaugle [Chief Justice – 5th DCA]

Honorable John M. Harris [Senior Justice – 5th DCA]

Honorable John MacIver [Junior Justice – 5th DCA]

c/o Fifth District Court of Appeal, State of Florida

300 South Beach Street, Daytona Beach, Florida 32114 (386) 947-1500

RELATED CASES

CARTER V. LAWSON: Case No: 16-2014-CA-003132-XXXX-MA
Fourth Judicial Circuit Court, In And For Duval County, Florida
Judgment Entered: April 26, 2024 Rehearing Denied: July 23, 2024.

CARTER V. LAWSON: Case No: 5D2024-2339
District Court of Appeal, Fifth District, State of Florida
Decision Entered: September 9, 2025 Rehearing Denied: November 18, 2025.

CARTER V. LAWSON: Case No: SC2025-2021
Supreme Court of Florida-Notice To Invoke Discretionary Jurisdiction
Dismissed: December 19, 2025.

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- 3). MANDATE-Fifth District Court of Appeal, State of Florida
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APPENDIX B:

- 1). DECISION-FOURTH JUDICIAL CIRCUIT COURT, DUVAL COUNTY, FLORIDA
“Order Granting Plaintiff Final Judgment As To Count III, Replevin, Only”
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2). DECISION-FOURTH JUDICIAL CIRCUIT COURT, DIVAL COUNTY, FLORIDA
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DECISION-SUPREME COURT OF FLORIDA
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APPENDIX D:

"Complaint For Damages And Other Statutory Relief"
Anthony D. Carter (Plaintiff) v. Richard S. Lawson (Defendant)
Case No: 16-2013-CA-3132 Fourth Judicial Circuit Court, Division: CV-H
Honorable Kevin A. Blazs Hearing Room: 746
Counsel: Christa S. Dunsmore, Esq. Fla. Bar. No: 89533 [for Plaintiff]
of "Dunsmore & Morsico, Attorneys at Law" Filed: May 5, 2014 Page(s) 10

APPENDIX E:

- 1). Complaint EXHIBIT : A. "Letter of Demand" [Dunsmore, Esq.]
Sent via U.S. Mail Certified: February 14, 2014 to Richard S. Lawson
Filed: May 5, 2014 Page(s) 4
- 2). Complaint EXHIBIT: G - "Handwritten Inventory of Property," [Plaintiff]
Filed by: Dunsmore, Esq. Filed: May 5, 2014 Page(s) 7

APPENDIX F:

"Answer To Complaint For Damages And Other Statutory Relief"
Fourth Judicial Circuit Court Case No: 16-2014-CA-3132
Counsel: Robert W. Guy, Jr. P.C., Fla. Bar No: 0635987 [for Defendant]
Filed: June 10, 2014 Page(s) 6

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"Plaintiff's Statement of Evidence And / Or Proceeding(s)"
per Rule 9.200(b)(5), Fla. R. App. P.
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“Plaintiff’s Petition For Writ of Replevin” per §78.01; §78.19; Fla. Stat. (2017)
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“ORDER ON ORE TENUS MOTION TO AMEND COMPLAINT”
per Rule 1.190(a), Fla. R. Civ. P. **“GRANTED”**
Fourth Judicial Circuit Court Division: CV-H
Honorable Kevin A. Blazs Hearing Room: 746
Entered: August 21, 2019 Clerk File Date: August 26, 2019 Page(s) 1

APPENDIX J:

“Plaintiff’s Amended Complaint for Damages, Replevin, And Other Statutory Relief”
per Rule 1.190(a), Fla. R. Civ. P., Fourth Judicial Circuit Court, Division: CVH
File Date: September 20, 2019 Clerk File Date: September 25, 2019 Page(s) 15*

*Copy of original Complaint’s EXHIBIT: G [Handwritten Inventory] was attached to Amended Complaint. (See pg. 13 of Amended Complaint and APPENDIX E-2).

APPENDIX K:

“Plaintiff’s Motion For Default Judgment On Defendant’s Failure To Plead”
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Fourth Judicial Circuit Court Division: CV-H
Honorable Eric C. Roberson
Entered: May 17 2021 Clerk File Date: May 18, 2021 Page(s) 1

APPENDIX M:

1). “Motion for Final Judgment After Default,” [with three (3) Affidavits]
2). “Affidavit of Attorney’s Fees” – [Exhibit: D]
3). “Affidavit of Costs And Expenses” – [Exhibit: E]
4). “Affidavit of Damages” – [Exhibit: F]
per Rule 1.500(e), Fla. R. Civ. P., Fourth Judicial Circuit Court, Division: CV-H
File Date: August 18, 2021 Clerk File Date: August 20, 2021 Page(s) 17

APPENDIX N:

"Demand For Jury Trial" per Rule 1.430(b), Fla. R. Civ. P.

File Date: August 18, 2021 Clerk File Date:*

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(*Not filed by Clerk due to mistaking it for an Exhibit to "Motion For Final Judgment After Default." See, R.O.A. page numbers at bottom of pages, compare to APPENDIX M² through M⁴ [p. 695-p. 711], and "DEMAND's" Legal Mail Date Stamp)

APPENDIX O:

"ORDER DENYING MOTION FOR FINAL JUDGMENT AFTER DEFAULT"

per Rule 1.500(e), Fla. R. Civ. P., Fourth Judicial Circuit Court, Division: CV-H

Honorable Eric C. Roberson Entered: September 22, 2024

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APPENDIX P:

"Notice For Trial" [Two (2) day Jury Trial] (Plaintiff's)

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File Date: October 1, 2021 Clerk File Date: October 4, 2021

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APPENDIX Q:

"TRIAL ORDER" [Two (2) day Jury Trial]

per Rule 1.200, Fla. R. Civ. P.; Rule 1.430(b), Fla. R. Civ. P.

Pretrial Conference [Chambers-Hearing Room 712] July 14, 2022@9:45 a.m.

Trial Date: July 25-26, 2022 @ 9:30 a.m.

Fourth Judicial Circuit Court, Division: CV-H

Honorable Eric C. Roberson

Entered: December 2, 2021 Clerk File Date: December 7, 2021

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per §272 Judicial Code, 28 U.S.C.S. §394

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Fourth Judicial Circuit Court, Division: CV-H

Honorable Gilbert L. Feltel, Jr.

Entered: April 21, 2022 Clerk File Date: April 22, 2022

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Fourth Judicial Circuit Court, Division: CV-H

File Date: May 3, 2022 Clerk File Date: May 6, 2022

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Fourth Judicial Circuit Court, Division: CV-H

Honorable Gilbert L. Feltel, Jr.

Entered: May 18, 2022 Clerk's File Date: May 18, 2022

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3). **"Affidavit of Costs And Expenses"**

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4). **"Affidavit of Damages"**

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File Date: August 17, 2022 *See Legal Mail Stamp

Clerk's File Date: October 18, 2022

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Via ZOOM Video Technology (in Chambers) set for June 26, 2023 @10:00 a.m.

Fourth Judicial Circuit Court, Division: CV-H

Entered: June 6, 2023 Clerk File Date: June 7, 2023

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APPENDIX X:

1). **"Affidavit of Damages [2nd Amended]" – Plaintiff**

Fourth Judicial Circuit Court, Division: CV-H

Filed: June 14, 2023 Clerk File Date: June 20, 2023

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* Included w/Affidavit*

2). **"Handwritten Inventory of Property" (EXHIBIT: G)**

[Highlighted (in Gray), to indicate item(s) claimed to not be in Defendant's possession] Sent by Defendant: September 19, 2018 Received by Plaintiff:

September 28, 2018 (Attached as an Exhibit to "[Plaintiff's] Motion to Supplement

Record," Filed
June 21, 2019.

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APPENDIX Y:

"Letter to Judge from Richard Lawson (with Attachments)"
[Printed Inventory of Property marked to indicate property, in
Defendant's possession].
File Date: July 21, 2023 by Respondent / Defendant, Richard S. Lawson
Clerk's File Date: July 21, 2023

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APPENDIX Z:

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APPENDIX AA:

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FLORIDA BAR ASSOCIATION

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Guy, Robert W. [Jr.], P.C.	Fla. Bar No: 0635987	vi, 5
Marsico, Richelle M., Esq.	Fla. Bar No: 645524	5
Moreno, Manuel T., P.A.	Fla. Bar No: 126345	iii, 19

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF *CERTIORARI*

Petitioner respectfully prays that a writ of *certiorari* issue to review the judgment below.

OPINION BELOW

☐ For cases from **Federal Courts**

The opinion of the United States Court of Appeals appears at Appendix ____ to the Petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States District Court appears at Appendix ____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **State Courts**:

The opinion of the highest State court to review the merits appears at Appendix A-1 to the Petition and is

- ☒ reported at 422 So. 3d 576 (Fla. 5th DCA 2025); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ Court appears at Appendix _____ to the Petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **Federal Courts**.

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of *certiorari* was granted To and including _____ on _____ in Application No. _____ A _____.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

☒ For cases from **State Courts**:

The date on which the highest State Court decided my case was September 9, 2025.
A copy of that decision appears at **Appendix A-1**.

☒ A timely petition for rehearing was thereafter denied on the following date: November 18, 2025, and a copy of the order denying rehearing appears at **Appendix A-2**.

☒ An extension of time to file the petition for a writ of *certiorari* was granted To and including April 17, 2026 on March 23, 2026 in Application No. **25A**

1037.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FLORIDA CONSTITUTION

Article 1 § 2 · Right to acquire, possess, and protect property
§ 9 Due Process – Life, Liberty, Property
§ 21 Access to Courts
§ 22 Jury Trial

FLORIDA STATUTE(S)

§78.01, Fla. Stat.	Replevin
§78, 19 , Fla. Stat.	Property in Defendant's Possession
§772.11, Fla. Stat.	Conversion [Treble Damages]
§812.014 – 812.035, Fla. Stat.	Theft, Robbery, Fraud

UNITED STATES CONSTITUTION

Amendment V, U.S. Const.	Due Process – Life, Liberty, Property, Double Jeopardy
Amendment VII, U.S. Const.	Jury Trial – Civil – Common Law
Amendment XIV, U.S. Const.	Due Process; Equal Protection of Law.

UNITED STATES JUDICIAL CODE

28 U.S.C. §272	Prisoner Rights
§394	Prisoner Rights
§1257(a)	Jurisdiction
§1651(a)	Prisoner Rights

STATEMENT OF THE CASE

May 5, 2014, Petitioner, **Anthony D. Carter**, through retained counsel did file a civil action in the Fourth Judicial Circuit Court, In And for Duval County, Florida – Civil Division. Case No: 16-2014-CA-0033132-XXXX-MA. Against Respondent **Richard S. Lawson** **[LAWSON]** for violation(s) of §772.11, Florida Statutes (2014) [Conversion]; and, §812.014 - §812.035, Florida Statutes (2014) [Civil Theft], in a “Complaint For Damages And Other Statutory Relief” and accompanied by seven (7) exhibits in support of the allegation(s) against LAWSON. Petitioner was represented by counsel, **Christa S. Dunsmore, Esq. [DUNSMORE]**, Florida Bar Number: 89533 of “Dunsmore & Marsico, Attorneys At Law.” See, **APPENDIX D**. The seven (7) aforestated exhibits were / are :

- A. “Letter of Demand” – Sent from Counsel to LAWSON via U.S. Mail Certified on February 14, 2014. **APPENDIX E-1**.
- B. Sworn Hearing Testimony of LAWSON – September 5, 2012
- C. Sworn Deposition – Nicolle A. Davis [Petitioner’s Paramore] – August 31, 2012
- D. Sworn Deposition - LAWSON – August 31, 2012
- E. Letter of Demand – Robert A. Pace [Petitioner’s Power of Attorney] – January 12, 2013.
- F. Sworn Trial Testimony – LAWSON – September 19, 2012
- G. Handwritten Inventory [Petitioner’s Personal Property] (See, **APPENDIX E-2**)

The aforementioned Complaint alleges that on or about May 17, 2011, LAWSON did without authorization remove, transport, keep, use, and otherwise convert the personal property and the professional business property (Disc Jockey System / Equipment) of Petitioner as is set forth in Exhibit: G of said Complaint **APPENDIX E-2**, to his (LAWSON’S) own possession, inconsistent with Petitioner’s interest as the legal rightful owner of same.

The cause of action was assigned to Division: **CV-H**, the **Honorable Kevin A. Blazs**, **[HON. BLAZS]** presiding.

June 10, 2014, LAWSON through retained counsel **Robert W. Guy, Jr. [GUY]**, Florida Bar Number: **0635987** did file an “Answer To Complaint For Damages And Other Statutory Relief,” see, **APPENDIX F**, and therein asserted two (2) Affirmative Defenses and as a third defense did answer by enumerated paragraph(s) the thirty-eight (38) Averments of said Complaint. At the conclusion of the answers, GUY specifically states:

*“Defendant having answered the allegations in the Complaint hereby **demands a jury trial on all issues.** APPENDIX F pg. 5 (emphasis added).*

June 20, 2014 Retained Counsel for Petitioner is changed to **Richell M. Marsico, Esq.** **[MARSICO]**, Florida Bar Number: **645524** of “Dunsmore & Marsico, Attorneys At Law.”

October 16, 2014 and October 22, 2014 GUY motions the Court to withdraw as counsel for LAWSON, citing a “conflict.”

November 13, 2014, Counsel for Petitioner (MARSICO) motions the Court (unopposed) to withdraw due to Counsel’s own personal health issues. Petitioner proceeded forward to prosecute the cause of action as a “*Pro se*” litigant. LAWSON in turn did also elect to proceed *pro se*.

During HON. BLAZS tenure as presiding Jurist of the civil action, there were five (5) hearings held to address different motion(s) placed before the Court. All five (5) hearing were held in Hearing Room #746 of the Duval County Unified Courthouse, with the date(s) and time(s) as provided below:

a) August 24, 2017 @ 12:00 p.m.

b). June 25, 2018 @ 11:30 a.m.

- c). July 10, 2019 @ 10:00 a.m.
- d). October 29, 2019 @ 10:30 a.m.
- e). January 3, 2020 @ 11:45 a.m.

LAWSON appeared in person and Petitioner who is incarcerated appeared telephonically.

The specific details of each hearing is described in “Plaintiff’s Statement of Evidence And / or Proceeding(s),” pursuant to Rule 9.200(b)(5), Fla. R. App. P., [APPENDIX G].

The hearing held on July 10, 2019 is of direct relevance to the Petitioner’s cause for a Writ of *Certiorai*, as it was at said hearing that HON. BLAZS, while addressing “Plaintiff’s [Petitioner] Petition For Writ of Replevin,” filed on December 13, 2017, (see, [APPENDIX H], instructed Petitioner that it would be “*more appropriate*” to Amend the original Complaint pursuant to Rule 1.190(a), Fla. R. Civ. P., and add a third (3rd) Count of “Replevin,” pursuant to §78.01; and §78.19, Fla. Stat. (2018), HON. BLAZS inquired of LAWSON:

“Do you have any objection to Mr. Carter [Petitioner] amending the Complaint to include a Replevin Court”

To which LAWSON replied:

“Your Honor, I don’t have any objection, that would be fine.”

HON. BLAZS instructed the Petitioner to file the Amended Complaint and issued an Order to that effect on August 21, 2019 [ORDER ON ORE TENUS MOTION TO AMEND COMPLAINT], [APPENDIX I].

HON. BLAZS then asked both parties if they intended to have a trial, to which both litigants invoked the right to Jury Trial. HON. BLAZS said:

“I’m going to set this cause for a jury trial to tentatively be on February 3, 2020.”

September 20, 2019, Petitioner filed a timely, *pro se* “Plaintiff’s Amended Complaint For Damages, Replevin, And Other Statutory Relief.”¹ [APPENDIX J] and served LAWSON with a true and correct copy of same with the Handwritten Inventory [EXHIBIT: G], of the original Complaint (see, APPENDIX E-2) attached thereto on that same day.

Approximately, Fifty (50) days later, after having received no response, answer, or other pleading from LAWSON to the Amended Complaint, as is set forth in Rule 1.190(a) Fla.R.Civ.P.:

“A party shall plead in response to an amended pleading within 10 days after service of the amended pleading unless the Court otherwise orders.” (emphasis supplied).

on November 14, 2019, Petitioner filed “Plaintiff’s Request For Entry Of Default On Defendant’s Failure To Plead,” pursuant to Rule 1.500(a), Fla. R. Civ. P., but would subsequently discover that such a Default against LAWSON could not be sought under that specific Rule due to Counsel GUY filing the initial Answer to the original Complaint. So, on May 3, 2021, Petitioner did file a timely, *pro se* “Plaintiff’s Motion For Default Judgment On Defendant’s Failure To Plead,” pursuant to Rule 1.500(b), Fla. R. Civ. P, [APPENDIX K], and therein reiterated to LAWSON the requirement(s) of filing a Responsive Pleading, which included specific case precedent(s), rule(s), and law(s) directly relevant to this issue.

May 17, 2021 the new presiding Jurist, Honorable Eric C. Roberson [HON. ROBERSON], issued an “ORDER ON MOTION FOR DEFAULT JUDGMENT.” And “GRANTED in part” Default as to the critical issue of ‘liability’ only against LAWSON. (see, APPENDIX L).

¹ The language used by Petitioner in the Amended Complaint for the Averment(s), [paragraph(s) 1-38 (pages 1 through 6) were quoted verbatim as was stated by Counsel DUNSMORE in the original Complaint, except for the amount of damages cited in “paragraph 1,” now reflected “exceeding Forty Thousand Dollars (\$40,000.00),” compared to the “Fifteen Thousand Dollars (\$15,000.00)” being sought in the original Complaint.

August 18, 2021, Petitioner sought through “Motion For Final Judgment After Default” pursuant to Rule 1.500(e), Fla. R. Civ. P., [APPENDIX M-1], with three (3) sworn Affidavits [Attorney’s Fees; Costs And Expenses; Damages] attached, (see, APPENDIX M-2 to M-4 a final resolution to the civil cause of action that at that time had been in litigation for more than seven (7) years.

HON. ROBERSON on September 22, 2021 issued an “ORDER DENYING MOTION FOR FINAL JUDGMENT AFTER DEFAULT,” [APPENDIX O], and therein cited his reasoning:

“...DENIED because the damages at issue are not liquidated damages and would require the Trier of Facts² to determine the amount of damages.” (emphasis supplied).

As the only issue remaining to be adjudicated was / is the amount [value] of the unliquidated damages, based on LAWSON’s Default, per Rule 1.430(c); and Rule 1.500(b), Fla. R. Civ. P..

“The trial court was obliged to treat as true all of the complaints well-pleaded allegations, including those that incorporate attachments and to look no further then the amended complaint and its attachments.” (e.s.) Shands Teaching Hosp. and Clinics Inc. v. Beech St. Corp., 899 So. 2d 1222, 1224 (Fla. 1st DCA 2005),

And not the existence of those damages, to wit:

“The defaulting party admits all well-pled factual allegations of the complaint and is precluded from contesting the existence of the plaintiff’s claim and liability thereon;” and, “A default terminates the defending party’s right to further defend except to contest the amount of unliquidated damages.” (e.s.) Donohue v. Brightman, Jr., 939 So. 2d 1162, 1164-1165 (Fla. 4th DCA 2006

Rule 1.110 (e), Fla. R. Civ. P.: *Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages are admitted when not denied in the responsive pleading.”* (e.s.)

² At this point in the litigation, “Jury Trial” had been twice invoked. First by LAWSON through Counsel GUY in the Answer To Complaint, and Secondly, by both parties before HON. BLAZS during the Hearing on July 10, 2019, requiring the Trier of Fact be a Jury Trial not a Bench Trial.

Petitioner included in the mailing envelope of the “Motion For Final Judgment After Default,” a “Demand For Jury Trial,” dated August 18, 2021, pursuant to Rule 1.430(b), Fla. R. Civ. P., (see, **APPENDIX N**), which was mistakenly overlooked by the Honorable Clerk of the Court as an Exhibit to the aforesated Motion, and as such does not appear on the case’s Progress Docket.

When Petitioner received the aforementioned “Order Denying Motion For Final Judgment After Default,” an immediate “Notice For Trial,” [2 day Jury Trial], was filed pursuant to Rule 1.440(b), Fla. R. Civ. P. on October 1, 2021, [**APPENDIX P**], being in compliance with the ten (10) day(s) requirement of Rule 1.430(b), Fla. R. Civ. P. .

December 2, 2021, HON. ROBERSON entered a “TRIAL ORDER,” setting the case for a two (2) day Jury Trial to be held July 25-26, 2022, with a Pretrial Conference set for July 14, 2022, in Hearing Room: 712, Duval County Unified Courthouse, (see, **APPENDIX Q**), pursuant to Rule 1.200, Fla. R. Civ. P., which in and of itself supports the Petitioner’s right and invocation of Jury Trial as properly preserved inviolate per Rule 1.430(a) Fla. R. Civ. P.³

There exists Constitutional implications as well, as is cited unambiguously in the Seventh Amendment, U.S. Constitution:

“In suite of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States than according to the rules of common law.”

February 14, 2022, Petitioner filed a timely, *pro se* “Motion To Transport,” to facilitate a transfer from the correctional facility where he was residing [Wakulla Correctional Institution, Crawfordville, Florida] to the Pretrial Detention Facility [P.D.F.] in Duval County, Florida, for

³ HON. BLAZS had previously set Jury Trial for February 3, 2020, during the Hearing on July 10, 2019, but said Trial never manifested, possibly due to the onset of the COVID-19 Pandemic effecting courts.

the purpose of appearing in person for the Pretrial Conference on July 14, 2022, and the two (2) day Jury Trial, July 25-26, 2022. (see, **APPENDIX R**).

Petitioner cited multiple mitigating factor(s) and specifically relevant case precedent(s),⁴ to support the granting of this motion.

April 21, 2022, the current presiding Jurist, **Honorable Gilbert L. Feltel, Jr. [HON. FELTEL]** makes his first appearance and judicial act in the Civil cause of action in an “ORDER DENYING TRANSPORT AND STRICKING CASE FROM TRIAL DOCKET,” (see **APPENDIX S**), and stating therein:

*“...[T]he matter left for judicial resolution is the amount of damages owed to Plaintiff. As such damages may be proven by affidavit, in the interest of judicial economy, and in light of the several emergency administrative orders impacting court operations and the continuing pandemic conditions requiring prisoners to be quarantined when transported, the Court hereby **STRIKES** the case from the pretrial calendar for July 14, 2022 as well as the jury trial calendar set for July 25, 2022.”* (emphasis supplied)

The “emergency administrative orders” referenced by HON. FELTEL were actually rescinded by the Florida Supreme Court and terminated on June 21, 2021, and had been for one (1) year before HON FELTEL’S Order was entered and six (6) months prior to HON. ROBERSON issuing the “TRIAL ORDER”. See Rules of Court-Volume III (LOCAL) 2021

“2021-II [COVID-19] Emergency Operations Measures”
In re: COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR DUVAL CIRCUIT AND COUNTY COURTS:

⁴ *Brown v. Sheriff of Broward County Jail*, 502 So. 2d 88 (Fla. 4th DCA 1987)

Burch v. City of Lakeland, 891 So. 2d 654 (Fla. 2d DCA 2005)

Heidleberg v. Hammer, 577 F. 2d 429, 431 (7th Cir. 1978)

Holt v. Pitts, 619 F. 2d 558, 562 (6th Cir. 1980)

Price v. Johnson, 334 U.S. 266, 284-286, 68 S. Ct. 1049, 1060 92 L. Ed. 1356 (1948) – [28 U.S.C.S. §272 and §394).

Rogers v. Rogers, 977 So. 2d 687 (Fla. 4th DCA 2008)

Stone v. Morris, 546 F. 2d 730, 735-736 (7th Cir. 1976)

Waugh v. Waugh, 672 So. 2d 1 (Fla. 2d DCA 1996)

“WHEREAS, because health conditions have improved in Florida the following 3 administrative orders will terminate at 12:01 a.m. on June 21, 2021, pursuant to AOSC 21-17:

(1) AOSC 20-23, Amendment 13. In re: Comprehensive COVID-19 Emergency Measures For Florida Trial Courts; (2) AOSC 20-32, Amendment 8 In re: COVID-19 Public Health And Safety Precautions For Operational Phase Transitions; and (3) AOSC 20-109, Amendment 7. In re: Comprehensive COVID-19 Emergency Measures For Florida Appellate Court’s.” (emphasis supplied)

“WHEREAS, AOSC 21-17 directed “new protocols shall take effect at 12:01 a.m. on June 21, 2021, and shall remain in effect:” 1. Effective: June 21, 2021-All rescinded. 2. Phase 2- Rescinded. 3. All Duval County Court operations shall comply with AOSC 21-17.”: (emphasis supplied).

May 3, 2022, Petitioner filed a timely, *pro se* “Motion For Rehearing / Reconsideration,” pursuant to Rule 1.530(b),(c), Fla. R. Civ. P., [APPENDIX T] and t§herein cited to Florida Constitution, Article 1, §9 and §22, with relevant case precedent(s)⁵ directed to the protection and guarantee of the right to Jury Trial. Especially the holdings of Florida Supreme Court case, *Curbelo v. Ullman*, 571 So. 2d 443, 444-445 (Fla. 1990), which states:

“[T]he trial court’s error in permitting a non-jury determination of damages when the right to jury trial had not been waived was a mistake of law which must be appealed.” (holding “permitting a non-jury determination of damages when right to jury trial had not been withdrawn with consent of all parties was error.”

Id. at 443 (e.s.)

And, contrary to Rule 1.440(c), Fla. R. Civ. P. ⁶

HON. FELTEL is a Jurist of equal standing and authority as HON. ROBERSON, but there is a stark contrast in their judicial viewpoints as to the proper procedure for the determination(s) of “unliquidated damages” as is set forth in Rule 1.500, Fla. R. Civ. P.. As such, on May 17, 2022

⁵ *Barge v. Simeton*, 460 So. 2d 939, 940 (Fla. 4th DCA 1980)
Bowman v. Kingsland Dev. Inc., 432 So. 2d 660, 662-663 (Fla. 5th DCA 1983)
DYC Fishing, Ltd. Martinez, 944 So. 2d 461, 462-463 (Fla. 3d DCA 2008)
Haynes v. Arman, 192 So. 3d 546 (Fla. 5th DCA 2016)
Izaak Walton Investors, LLC v. Osterle, 51 So. 3d 612 (Fla. 1st DCA 2011)
Shasho v. Euro Motor Sports, Inc., 979 So. 2d 343, 345 (Fla. 4th DCA 2008)

⁶ *Medcom USA, Inc., v. Ryder Homes and Groves Co.*, 847 So. 2d 594, 596 (Fla. 2d DCA 2003)
Barth v. Florida State Constructors Serv., Inc., 327 So. 2d 13 (Fla. 1976)

HON. FELTEL issued an “ORDER DENYING REHEARING / RECONSIDERATION,” but did not state any reasoning for the ruling. (see, **APPENDIX U**).

August 17, 2022, Petitioner filed a timely, *pro se* “Plaintiff’s Second Motion For Final Judgment,” pursuant to Rule 1.500(e), Fla. R. Civ. P., and attached thereto three (3) sworn Affidavits: [Attorney’s Fees; Cost And Expenses; Damages], [**APPENDICE(S) V-1 TO V-4**].

June 6, 2023, After nearly ten (10) months and multiple motion(s) from Petitioner to address the “Plaintiff’s Second Motion For Final Judgment After Default” HON. FELTEL set the cause for an Evidentiary Hearing to be held on June 26, 2023 at 10:00 a.m., for the express purpose of taking in evidence and / or testimony(ies) relevant to the determination of the amount of the unliquidated damages due and owing to Petitioner from LAWSON. The time allotted for the hearing was ninety (90) minutes, and to be held in the Chambers of HON. FELTEL via ZOOM video. (see, [**APPENDIX W**]).

June 26, 2023, HON. FELTEL swore in Petitioner; LAWSON; and two (2) witnesses called to testify on behalf of Petitioner, to wit: Margie M. Pace, (Power of Attorney, 2012-2021); and, Mary Schultz, (Power of Attorney, 2021-2024).⁷

a). Affidavit of Attorney’s Fees: [**APPENDIX V-2**]. Petitioner sought to be reimburse for the retainer / monies paid to “DUNSMORE & MARSICO Attorneys At Law,” in the amount of “two thousand dollars (\$2,000.00,” who represented Petitioner from December 19, 2013 to November 13, 2014. HON. FELTEL stated that Petitioner was not entitled to said Attorney’s fees, but did not elaborate as to the reason why. Petitioner did not pursue the issue any further for lack of the necessary legal advocacy skills to offer a sufficient and appropriate rebuttal.

⁷ Petitioner; M. Pace; and M. Schultz appeared via ZOOM video. LAWSON appeared telephonically.

b). Affidavit of Costs And Expenses: [**APPENDIX V-3**]. HON. FELTEL reviewed this Affidavit in which Petitioner was seeking reimbursement of monies paid to prosecute the civil action, to include: filing fee(s); copy expense(s); mailing cost(s); postage and labor totaling “one thousand, one hundred and thirty dollars and eighteen cents (\$1,130.18),” to which HON. FELTEL remarked:

“I find these expenses to be reasonable, so I will grant this.” (e.s.)

c). Affidavit of Damages (2nd Amended): [**APPENDIX Y**] Petitioner was asked by HON. FELTEL as to the breakdown of the Damages being sought, (i.e., Treble Damages), pursuant to §772.11, Fla. Stat. (2014), with the actual damages alleged in the Amended Complaint listed at: “forty-three thousand, one hundred and eighty-seven dollars (\$43,187.00)” making the Treble Damages potentially worth:” One hundred and twenty-nine thousand, five hundred and sixty-one dollars (\$129,561.00).”

Prejudgment Interests (see, Affidavit of Cost And Expenses –**APPENDIX V-3**), totaling: “One thousand, one hundred and thirty dollars and eighteen cents (\$1,130.18),” and, “Daily Use Value” interests, pursuant to §78.01 and §78.19, Fla. Stat. (2014), and with relevant case precedent(s) addressed to that issue,⁸ as the personal property and professional business property of Petitioner, being illegally possessed and more importantly “used,” by LAWSON for financial gain, was / is the “tools of trade” for Petitioner. [Disc Jockey System / Equipment].

Before Petitioner could present these specific case(s) and statutory provision(s) supporting the Damages being sought, LAWSON spoke up by attempting to suggest mitigating

⁸ *Butler v. Mirabelli*, 179 So. 2d 868, 871 (Fla. 2d DCA 1965)
Campos v. Courtesy Ford, Inc., 900 So. 2d 707 (Fla. 3d DCA 2005)
Hart Land & Cattle Trust Co. v. Reeves Steel Inc., 309 So. 2d 611 (Fla. 1st DCA 1975)
Heg, Inc., v. Bay Bank & Trust Co., 591 So. 2d 1011, 1013 (Fla. 1st DCA 1991)
Oala Foundry & Machine Works v. Lester, 49 Fla. 199, 38 So. 51, 53 (1905)

factors which had not been otherwise substantiated on the record of the above-styled case, in an effort by LAWSON to minimize his culpability and liability, to which HON. FELTEL said:

"Mr. LAWSON, I'm sorry, but if this is to put before the Court a defense to Mr. Carter's Complaint, then I must stop you as that ship has already sailed. Our purpose today, is to determine damages only."

To which LAWSON replied:

But your Honor, I don't even have a lot of the things he (Petitioner) claims I have."

HON. FELTEL stopped the exchange with LAWSON by stating:

"Here's what I want to do; Mr. LAWSON, I want you to gather together all of Mr. Carter's property and submit a written inventory to this Court, so we can better determine what the damages may be."

Then the Hearing was concluded by HON. FELTEL after only twenty-three (23) minutes, not the previously allotted time set at ninety (90) minutes.

As it is undisputed by the record of the above-styled cause that LAWSON was / is in Default for the failure to plead,⁹ and that the "Amended Complaint" did / does contain an attached copy of the original Complaint's Exhibit: G [Handwritten Inventory], see, [**APPENDIX J. PAGE 13**] to further support the allegations of Count III, Replevin, of said Amended Complaint, the law(s) and provision(s) governing Default; Replevin; Jury Trial; Waiver of Jury Trial; Sufficiency (Complaint); Damages, are all otherwise invoked pursuant to Federal and State rule(s); statute(s); principle(s); and Legislative Intent(s) prescribed by the Florida and U.S. Constitution(s), as articulated in compelling case precedent(s) for each area of law category, to wit:

DEFAULT: Chapter 1.500, Florida Rules of Civil Procedure

⁹ LAWSON as "*pro se*" elected by choice to not file even a single page of paper to contest or defend against the allegations set forth in the Amended Complaint, resulting in Default.

Rule 1.500(a), Fla. R. Civ. P.	By the Clerk
Rule 1.500(b), Fla. R. Civ. P.	By the Court
Rule 1.500(c), Fla. R. Civ. P.	Right to Plead
Rule 1.500(d), Fla. R. Civ. P.	Setting Aside Default per Rule 1.540(b), Fla. R. Civ. P.
Rule 1.500(e), Fla. R. Civ. P.	Final Judgments*

**[Specifically] “If it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter to enable the Court to enter judgment or to effectuate it, the court may receive affidavits, make references, or conduct hearings as it deems necessary and shall accord the right of trial by jury to the parties when required by the Constitution or any statute.” Rule 1.500(e), Fla. R. Civ. P. [paragraph: 2] (emphasis added).*

Relevant Case Precedents:

Ansel v Kizer, 428 So. 2d 671, 672 (Fla. 2d DCA 1982)
Bowers v. Allez, 165 So. 3d 710 (Fla. 4th DCA 2015)
Ciotti v. Hubsch, 302 So. 3d 497, 499 (Fla. 5th DCA 2020)
Ciprian-Escopa v. City of Orlando, 172 So. 3d 485, 486 (Fla. 5th DCA 2015)
Donohue v. Brightman, Jr., 939 So. 2d 1162, 1164-1165 (Fla. 4th DCA 2006)
Dunkley Stucco, Inc. v. Progressive American Insurance Co. 751 So. 2d 723, (Fla. 5th DCA 2000)
DYC Fishing, Ltd. v. Martinez, 944 So. 2d 461, 462-463 (Fla. 3d DCA 2008)
Florida Bar v. Porter§, 684 So. 2d 810, 813n.4 (Fla. 1996)
Guirlinger v. Goldome Credit Corp. 593 So. 2d 1135 (Fla. 1st DCA 1992)
Medcom USA, Inc. v. Ryder Homes and Groves Co., 847 So. 2d 594, 596 (Fla. 2d DCA 2003)
Ryan v. Homecomings Fin. Network, 253 F. 3d 778, 780 (4th Cir. 2001)
Santiago v. Mauna Loa Invs. LLC., 189 So. 3d 752, 755-756 (Fla. 2016)
Schneiderman v. Baer, 334 So. 3d 326, 330 (Fla. 4th DCA 2022)
Shands Teaching Hosp. and Clinics, Inc. v. Beech St. Corp., 889 So. 2d 1222, 1224 (Fla. 1st DCA 2005)
Talucci v. Matthews, 960 So. 2d 9, 10 (Fla. 4th DCA 2007)

REPLEVIN §78.01; §78.19, FLORIDA STATUTES

“Any person whose personal property is wrongfully detained by any other person or officer may have a writ of replevin to recover said property and any damages sustained by reason of the wrongful taking or detention as herein provided. §78.01, Fla. Stat. (2014) (emphasis added)

Relevant Case Precedent(s):

Butler v. Mirabelli, 179 So. 2d 868, 871 (Fla. 2d DCA 1965)
Campos v. Courtesy Ford, Inc., 900 So. 2d 707 (Fla. 3d DCA 2005)

Christopher Adver. Group, Inc. v. R. & B. Holding Co., 883 So. 2d 867 (Fla. 3d DCA 2004)
Foresight Enters v. Leisure Time Properties, 466 So. 2d 283 (Fla. 5th DCA 1985)
Glades Oil Co. v. R.A.I. Mgmt. Inc., 510 So. 2d 1193, 1195 (Fla. 4th DCA 1987)
Hanna v. Marin, 49 So. 2d 585, 587 (Fla. 1950)
Hart Land & Cattle Trust Co. v. Reeves Steel, Inc., 309 So. 2d 611 (Fla. 1st DCA 1975)
Heg, Inc. v. Bay Bank & Trust Co., 591 So. 2d 1011, 1013 (Fla. 1st DCA 1991)
J.B. Int'l, Inc. v. Mega Flight, In., 840 so. 2d 1147, 1148 (Fla. 5th DCA 2003*)
McMurrain v. Fason, 584 So. 2d 1027, 1030 (Fla. 1st DCA 1991)
Ocala Foundry & Machine Works v. Lester, 49 Fla. 199, 38 So. 51, 53 (1905)
Seymour v. Adams, 638 So. 2d 1044, 1049 (Fla. 5th DCA 1994)
Weinberg v. Siemens Fin. Servs., 88 So. 3d 220 (Fla. 3d DCA 2011)

**"The ordinary action for replevin provides for the recovery of personal property wrongfully detained by another, together with damages sustained by the wrongful taking or detention."*
 §78.01, Fla. Stat. (1989) see generally 12 Fla. Jur. 2d Conversion and Replevin §§ 30-73 (1979); *J.B. Int'l, Inc. v. Mega Flight, Inc.*, 840 So. 2d 1147, 1148 (Fla. 5th DCA 2003) (emphasis supplied).

JURY TRIAL Chapter 1.430, Florida Rules of Civil Procedure

"... [P]risoner's have many legal needs unrelated to either constitutional conditions or the fact of their confinement... It is both unduly harsh and not conducive to accurate outcomes in those consequential cases to exempt prisoners from Court access rights."

American Bar Association, Standards for Criminal Justice, Treatment of Prisoners, P IX; Commentary at 289 (2010).

Relevant Case Precedent(s)

Am.Optical v. Spiewak, 73 So. 3d 120, 129 (Fla. 2011)
Ansel v. Kizer, 428 so. 2d 671 672 (Fla. 2d DCA 1982)
Barge v. Simeton, 460 So. 2d 939, 940 (Fla. 4th DCA 1984)
Barth v. Florida State Contructors, Serv., 327 So. 2d 13 (Fla. 1976)
Bound v. Smith, 430 U.S. 817, 821 97 S. Ct. 1491, 52 L. Ed. 72 (1977)
Brown v. Sheriff of Broward County Jail, 502 So. 2d 88 (Fla. 4th DCA 1987)
Burch v. City of Lakeland, 891 So. 2d 654 (Fla. 2d DCA 2005)
Curbelo v. Ullman, 571 So. 2d 443, 444-445 (Fla. 1990)
Guirlinger v. Goldome Credit Corp, 593 So. 2d 1135 (Fla. 1st DCA 1992)
Hanna v. Martin, 49 So. 2d 585, 587 (Fla. 1950)
Hart Land & Cattle Trust Co. v. Reeves Steel, Inc., 309 So. 2d 611 (Fla. 1st DCA 1975)
Hawthorne v. Wells, 761 F. 2d 1514, 1516 (11th Cir. 1985)
Haynes v. Arman, 192 So. 3d 546 (Fla. 5th DCA 2016)
Heg, Inc. v. Bay Bank & Trust Co., 591 So. 2d 1011, 1013 (Fla. 1st DCA 1991)

Heidleberg v. Hammer, 577 F. 2d 429, 431 (7th Cir. 1978)
Hikel v. King, 659 F. Supp. 337, 340 (E.D.N.Y. 1987)
Holt v. Pitts, 619 F. 2d 558, 562 (6th Cir. 1980)
Hudson v. McMillian, 503, U.S 1, 15, 112 S. Ct. 995, 117 L. Ed. 2d 156 (1992)
Izaak Walton Investors LLC v. Oesterle, 51 So. 3d 612 (Fla. 1st DCA 2011)
Jackson v. Procunier, 789 F. 2d 307, 311 (5th Cir. 1986)
Lashley v. Bowman, 561 So. 2d 406, 408 (Fla. 5th 1990)
Lijeberg v. Health Services Acquisition Corp, 486 U.S. 847, 108 S. Ct. 2194, 100 L. Ed. 2d 855 (1988)
Liteky v. United States, § 510 U.S. 540, 114 S. Ct. 1147, L. Ed. 2d 474 (1988)
McDade v. State, 154 So. 3d 292 (Fla. 2014)
Moore v. Morris, 475 So. 2d 666 (Fla. 1985)
Price v. Johnson, 334 U.S. 266, 284-286, 68 S. Ct. 1049, 1060 92 L. Ed. 1356 (1948)
Rogers v. Rogers, 977 So. 2d 687 (Fla. 4th DCA 2008)
Scull v. State, 596 So. 2d 1251, 1252 (Fla. 1990)
Shasho v. Euro Motor Sports, Inc., 979 So. 2d 343, 345 (Fla. 4th DCA 2008)
Stone v. Morris, 546 F. 2d 730, 735-736 (7th Cir. 1976)
Waugh v. Waugh, 672 So. 2d 1 (Fla. 2d DCA 1996)

WAIVER of JURY TRIAL: Chapter 1.430(d) Florida Rules of Civil Procedure

**Regardless of who makes the demand [jury trial], once made it cannot be withdrawn without the consent of all parties. “[and]” To constitute a waiver of the existing demand for jury trial... there must be affirmative action on the part of a party; that affirmative action must be a written stipulation or oral stipulation in open court.” (emphasis supplied).*

Relevant Case Precedent(s):

Ansel v. Kizer, 428 So. 2d 671, 672 (Fla. 2d DCA 1982)
Barge v. Simeton, 460 So. 2d 939, 940 (Fla. 4th DCA 1984)*
Baron Auctioneer, Inc., v. Bell, 674 So. 2d 212, 213 (Fla. 4th DCA 1996)
Barth v. Florida State Constructors, Serv. 327 So. 2d 13 (Fla. 1976)
Curbelo v. Ullman, 571 So. 2d 443, 445-445 (Fla. 1990)
Guirlinger v. Goldome Credit Corp. 593 So. 2d 1135 (Fla. 1st DCA 2011)
Shasho v Euro Motor Sports, Inc., 99 So.2d 343, 345 (Fla. 4th DCA 2008)

SUFFICIENCY (COMPLAINT) “Four Corners Rule” [Attachment(s)]

** “When a court determines the sufficiency of a complaint... it applies the so-called ‘four corners rule’ in the analysis. Under this rule, the court’s review is limited to an examination solely of the complaint and its attachments.” (emphasis supplied)*

§Relevant Case Precedent(s):

Am. Optical v. Spiewak, 73 So. 3d 120, 129 (Fla. 2011)
Brewer v. Clerk of the Circuit Court, 720 So. 2d 602, 603 (Fla. 1st DCA 1998)
MEBA Med. & Benefits Plan v. Lago, 867 So. 2d 1184, 1186 (Fla. 4th DCA 2004)
Riggins v. Rhodes, 373 So. 3d 655, 659 (Fla. 6th DCA 2023)
Santiago v. Mauna Loa Invs. LLC., 189 So. 3d 752, 755-756 (Fla. 2016)*
Schneiderman v. Baer, 334 So. 3d 326, 330 (Fla. 4th DCA 2022)
Shands Teaching Hosp. & Clinics, Inc. v. Beech St. Corp. 889 So. 2d 1222, 1224
(Fla. 1st DCA 2005).

DAMAGE(S):

* “... [I]f a defendant challenges the severity or even the existence of damages the common law prescribes that it is a matter for the jury to decide whether there has in fact been an injury and damages.” (emphasis supplied)

Relevant Case Precedent(s):

Am. Optical v. Spiewak, 73 So.3d 120, 129 (Fla. 2011)*
Ansel v. Kizer, 428 So. 2d 671, 672 (Fla. 2d DCA 1982)
Bowman v. Kingsland Dev. Inc., 432 So. 2d 660, 662-663 (Fla. 5th DCA 1983)
Butler v. Mirabelli, 179 So. 2d 868, 871 (Fla. 2d DCA 1965)
Campos v. Courtesy Ford, Inc., 900 So. 2d 707 (Fla. 3d DCA 2005)
Christopher Adver. Group, Inc. v. R. & B. Holding Co., 883 So. 2d 867
(Fla. 3d DCA 2004)
Ciotti v. Hubsch, 302 So. 3d 497, 499 (Fla. 5th DCA 2020)
Ciprian-Escapa v. City of Orlando, 172 So. 3d 485, 486 (Fla. 5th DCA 2015)
Curbelo v. Ullman, 571 So. 2d 443, 444-445 (Fla. 1990)
Dennison v. Dennison, 852 So. 2d 422, 423 (Fla. 5th DCA 2003)
Donohue v. Brightman, Jr., 939 So. 2d 1162, 1164-1165 (Fla. 4th DCA 2006)
Dunkley Stucco, Inc. v. Progressive American Insurance Co., 751 So. 2d 723
(Fla. 5th DCA 2000).
DYC Fishing Ltd. v. Martinez, 944 So. 2d 461, 462-463 (Fla. 3d DCA 2008)
Florida Bar v. Porter, 684 So. 2d 810, 813 n.4 (Fla. 1996)
Foresight Enters v. Leisure Time Properties, 466 So. 2d 283 (Fla. 5th DCA 1985)
Gate Lands Co. v. Old Porte Vedra Beach Condo, 715 So.2d 1132, 1135
(Fla. 5th DCA 1998)
Glades Oil Co. v. R.A.I. Mgmt. Inc., 510 so. 2d ~~1193~~, 1195 (Fla. 4th DCA 1987)
Guirlinger v. Goldome Credit Corp, 593 so. 2d 1135 (Fla. 1st DCA 1992)
Hanna v. Martin, 49 So. 2d 585, 587 (Fla. 1950)
Hart Land & Cattle Trust Co. v. Reeves Steel, Inc., 309 So. 2d 611 (Fla. 1st DCA 1975)
Hawthorne v. Wells, 761 F. 2d 1514, 1516 (11th Cir. 1985)
Haynes v. Arman, 192 So. 3d 546 (Fla. 5th DCA 2016)
Heg, Inc. v. Bay Bank & Trust Co., 591 So. 2d 1011, 1013 (Fla. 1st DCA 1991)
J.B. Int’l, Inc. v. Mega Flight, Inc., 840 So. 2d 1147, 1148 (Fla. 5th DCA 2003)

Kruger v. Ponton, 6 So. 3d 1258 (Fla. 5th DCA 2009)
McMurrain v. Fason, 584 So. 2d 1027 1030 (Fla. 1st DCA 1991)
Md. Cas. Co. v. Fla. Produce Distribs, Inc., 498 So. 2d 1383, 1384
 (Fla. 5th DCA 1986)
Meakin v. Dreieſr, 209 So.2d 252, 254 (Fla. 2d DCA 1968)
Medcom USA, Inc. v. Ryder Homes and Groves Co., 847 So. 2d 594, 596
 (Fla. 2d DCA 2003)
Ocala Foundry & Machine Works v. Lester, 49 Fla. 199, 38 So. 51, 53 (1905)
Ocala Jockey Club, LLC v. Rogers, 981 So. 2d 1245 (Fla. 5th DCA 2008)
Paulk v. Paulk, 25 So. 3d 672, 674 (Fla. 2d DCA 2010)
Seymour v. Adams, 638 So.2d 1044, 1049 (Fla. 5th DCA 1994)
Talucci v. Matthews, 960 So. 2d 9, 10 (Fla. 4th DCA 2007)
Wakenhut Corp. v. Canty, 359 So. 2d 430, 435-436 (Fla. 1978)
Weinberg v. Siemens Fin. Servs., 88 So. 3d 220 (Fla. 3d DCA 2011)
Yanofsky v. Isaaks, 277 So. 3d 132, 134 (Fla. 4th DCA §2019)

July 21, 2023 – A “Letter to Judge from Richard LAWSON (with Attachments),” was filed by LAWSON with the Clerk of the Court [**APPENDIX Y**]. The contents therein consisted of four (4) handwritten pages and three (3) printed pages. The four (4) written pages are LAWSON explaining the “highlighting” he used to identify which item(s) of Petitioner’s personal property were still in his (LAWSON’S) possession. Those item(s) are / were so indicated and descried on the three (3) printed pages which are / were LAWSON’S copy of the “Affidavit of Damages [2nd Amended]”. (see, **APPENDIX X**, PGS. 3-5)§

July 24, 2023 – A “Notice of Appearance of Counsel” was filed by E-File with the Circuit Clerk, for Counsel **Manuel T. Moreno [MORENO] P.A.**, Fla. Bar No: **126345** as LAWSON’S newly retained legal representative.

April 26, 2024, HON. FELTEL issued an “ORDER GRANTING PLAINTIFF FINAL JUDGMENT AS TO COUNT III, REPLEVIN, ONLY.” [**APPENDIX B-1**§The Order allowed for only a small portion of the personal property to be replevied from LAWSON to Petitioner, contrary to the provision(s) and principle(s) of law governing Replevin and Damages.

May 10, 2024 – Petitioner filed a timely, *pro se* “Motion For Rehearing And New Trial By Jury,” pursuant to Rule(s) 1.530(b)(c); and 1.430(a), Fla. R. Civ. P. .[**APPENDIX Z**].

July 23, 2024 – HON. FELTEL issued an “ORDER DENING REHEARING; NEW TRIAL BY JURY.” [**APPENDIX B-2**].

August 16, 2024 –Petitioner filed a timely “Notice of Appeal” to the Fifth District Court of Appeal, State of Florida, Case No: 5D2024-2339 . [**APPENDIX AA**].

September 9, 2025 – The Fifth District Court of Appeal, State of Florida, issued a DECISION and therein “*Per Curiam AFFIRMED*,” the Trial Court’s “Final Judgment “ and “Denial of Rehearing; New Trial By Jury.” [**APPENDIX A-1**].

October 15, 2025 – Petitioner filed a timely, *pro se* “Motion For Rehearing *En Banc*, Clarification, Certification And Written Opinion,” pursuant to Rule(s) 9.330; 9.331(a), Fla. R. App. P. .[**APPENDIX BB**], which was DENIED on November 18, 2025 [**APPENDIX A-2**]

December 16, 2025 – Petitioner filed a “Notice To Invoke Discretionary Jurisdiction” to the Supreme Court of Florida. [**APPENDIX CC**] Case No: SC2025-2021, which was **DISMISSED** by the Supreme Court of Florida on December 19, 2025. [**APPENDIX C.**]

REASON FOR GRANTING THE PETITION

Citing to the Fourteenth Amendment of the United States Constitution:

“... [N]or shall any state deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” (emphasis added).

Any person? All persons? Anywhere within the jurisdiction of these fifty (50) United States either individually or collectively? Under all possible times, conditions, status, and classifications of persons? In times of Peace and Prosperity, War, Dissent, and Adversity? Regardless of any self-imposed Ideology; Religion; Politics; Emotional, Mental and / or Physical standards?

Do demographics, ancestry or heritage play any role in determining if the viability of “equal protection of the laws” is inherent as a citizen; and in cause and effect lend support to the Framers of the Constitution’s idea that all person(s); any person qualifies as being eligible to not only acquire but more importantly also benefit from this promised provision of protection to the fullest extent of its endowment on and for those who would be most likely to require it?

This cause is of such great public importance to all person(s), any person or a class of United States citizens who might find themselves displaced from the normal living and thriving environment of everyday circumstances. There are currently in the United States nearly two million persons displaced by incarceration. The guilt or innocence of their individual situation(s) is not now nor ever was intended to be a deciding factor in any other aspect of their Constitutional protection(s) and / or guarantee(s). For to consider either their incarceration(s) or the circumstance(s) for which the incarceration(s) exists would most certainly tend to invoke violation of the Double Jeopardy Clause of the Fifth Amendment of the United States Constitution.

This Honorable Court has on many occasions made its position on the issue of prisoner’s constitutional rights adamantly clear:

“The right to file for legal redress in the courts is as valuable to a prisoner as to any other citizen. Indeed, for the prisoner it is more valuable. Inasmuch as one convicted of a serious crime and imprisoned usually is divested of the franchise, the right to file a court action stands... as his most fundamental political right...” *Hudson v. McMillian*, 503 U.S. 1, 15,

112 S. Ct. 995, 117 L. Ed. 2d 156, (1992); *Thadeus-X, v. Blatter*, 175 F. 3d 378, 390, 1999 FED App. 0088 P(6th Cir. 1999) (*en banc*);

“First, the Court has made clear that prisoners do not forfeit all constitutional rights.” *Turner v. Safley*, 482 U.S. 78, 84, 107 S. Ct. 2254, 96 L. Ed. 2d 64 (1987)

Several case precedents) speak to the issue of prisoner’s constitutional rights”

“... [T]he right to meaningful access applies to an inmate’s civil suit.” *Jackson v. Procunier*, 789 F. 2d 307, 311 (5th Cir. 1986).

“... [R]ight of access includes the right to bring an ordinary civil case.” *Hikel v. King*, 659 F. Supp. 337, 340 (E.D.N.Y. 1987).

In a cause, such as the one placed before you now, the litigants are basically the same age, race, demographic background, etc. A plaintiff (Petitioner) and a defendant (Respondent). The cause of action is relatively simple. Personal property of Petitioner was taken, converted, used, and depreciated for fifteen (15) years by the Respondent.

Those facts are on the face of the record. The Respondent himself admits to the act, and it’s stated by the Jurist in the Final Judgment. And Respondent has Defaulted.

But the property is deemed “unliquidated damages,” changing the legal parameters of what can and / or cannot be done to resolve the dispute to end the lawsuit. And the Respondent has defaulted by failing to plead and / or stand and defend against the allegations contained in the Amended Complaint. After nine (9) of the nearly twelve (12) years that the cause of action has transpired, Respondent chose to not file a single page of defense, resulting in the aforestated Default as to “liability”.

Yet, despite the Default, or the Replevin being granted in favor of Petitioner, which should have been for the full compensation set forth by statute(s); rule(s); and principle(s) of law standards for all persons, any person; the Plaintiff is dealt an under-handing by the Trier of Fact,

whose only judicial responsibility was to assess and determine the appropriate amount of the unliquidated assets.

But instead, the presiding Jurist Honorable Gilbert L. Feltel, Jr., of the Fourth Judicial Circuit Court, In And For Duval County, Florida chose to concentrate his jurisprudence on the Petitioner's incarceration and the underlying circumstances of the convictions that brought about that incarceration. That resulted in a bias and prejudiced the outcome in assessing the adequacy of the final judgment. That is Double Jeopardy, as the maximum penalty(ies) permitted by Florida law, has / have already been rendered against the person (Petitioner) for those circumstances and convictions. That is why character evidence is inadmissible in a civil action.

To use terminology such as "*convicted of certain crimes,*"; "*committed to the custody of the Department of Corrections*"; "*Serving an extended sentence,*" have absolutely no place in, and / or any relevance to, a civil action proceeding for the specific purpose of assessing and rendering damages for the illegal conversion and detention of someone's personal property. It is not, nor was not the responsibility or province of the Jurist assigned to resolve a civil dispute on the sole issue of determining "equitable relief" for "unliquidated damages," to use that occasion, venue and / or judicial responsibility to exact their own personal extra pound of flesh from someone who is already paying that debt to society for those circumstances and convictions.

Read the "Final Judgment" **APPENDIX B-1**: "Relevant Procedural History "[page: 1]; then review the "Order Denying Rehearing; New Trial By Jury," **APPENDIX B-2**. Consider the law(s), rule(s), and principle(s) of Default(s); Replevin(s); Jury Trial(s). Both Orders are a complete departure from the essential requirements of the law and in direct violation(s) of Amendment(s) V; VII, and XIV of the United States Constitution.

The Fifth District Court of Appeal, State of Florida has elected to ignore and / or disregard the case precedent(s) of their own district, other district(s), federal circuit court(s), and the very Article(s) of the Florida Constitution by their subornation of the Trial Court's erroneous and flagrantly bias Order(s) by refusing to address the issue(s) presented to them by Petitioner, and thereafter Affirming the Trial Court's contrary Orders.

"A Court's inherent power does not permit a court to ignore existing law, such as a writ of replevin statutes. Courts have the inherent power to do all things that are reasonably necessary to administer justice within the scope of their jurisdiction, subject to existing laws and constitutional provisions. Rather, inherent power has to do with the incidents of litigation, control of the court's process and procedure, control of the conduct of its officers, and the preservation of order and decorum with reference to its proceedings." (emphasis supplied).

Weinberg v. Siemens Fin. Serevs, 88 So. 3d 220 (Fla. 3d DCA 2011); and "it is now established beyond doubt that prisoners have a constitutional right of access to the courts." Bound v. Smith, 430 U.S. 817, 821 97 S. Ct. 1491, 52 L. Ed. 2d 72 (1977).

Any person displaced for any reason could and would most likely face these same circumstances if the Fifth District Court of Appeal decision is left to stand undisturbed. Any Person ? That is supposed to include those persons who are incarcerated.

CONCLUSION

Based upon the foregoing fact(s), case precedent(s), and Constitutional provision(s), the Petitioner humbly and respectfully moves this Honorable Court that the Petition For Writ of *Certiorari* be GRANTED and that the Decision of the Fifth District Court of Appeal, State of Florida, be REVERSED and REMANDED with Instructions that a Jury Trial be had by any means necessary to include Advanced Virtual Technology to insure the protection of the rights of all parties involved and to preserve the continuity of the Statute(s), Rule(s), and Principle(s) of Law supported by both the Florida and United States Constitution(s) for All Persons.

Respectfully submitted,

Anthony D. Carter

Anthony D. Carter, D.O.C. #756364

Union Correctional Institution

P.O. Box 1000

Raiford, Florida 32083

August 31, 2026
Date

No. _____
